

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ALLEN R. BLAIR**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 1:15-cv-00400-HSO-JCG**

**YUM BRANDS  
TACO BELL**

**DEFENDANTS**

**DEFENDANTS' MOTION TO STAY**

COME NOW, Defendants YUM! Brands, Inc. ("YUM"), incorrectly identified as YUM Brands, and Taco Bell of America, LLC ("Taco Bell"), incorrectly identified as Taco Bell (collectively "Defendants"), by and through their counsel of record, and submit this Motion to Stay discovery in the instant matter until the Court has decided Defendants' Motion to Dismiss [Doc. 9, 10], and in support thereof, Defendants would show unto the Court the following:

1. Plaintiff is a former employee of a Taco Bell restaurant located in Gulfport, Mississippi. Plaintiff was terminated on December 6, 2015. The next day, on December 7, 2015, Plaintiff Allen R. Blair ("Plaintiff" or "Blair") filed his Complaint. [Doc. 1.]

2. Proceeding *pro se*, Plaintiff does not specifically allege any cause of action in his Complaint [Doc. 1]<sup>1</sup>.

3. On February 17, 2016, Defendants filed their Motion to Dismiss [Doc. 9] and Memorandum in Support thereof [Doc. 10]. As more fully articulated in Defendants' memorandum to the Court, Plaintiff's Complaint fails to state a plausible claim for relief against Defendants and the Court should dismiss the causes of action asserted against them with prejudice. Defendant's motion should be granted.

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<sup>1</sup> Plaintiff has filed a document [Doc. 4] purporting to amend his original Complaint only to the extent that he moves the Court to correct an address contained therein. However, this document does not contain any new or different factual allegations or causes of action beyond the original Complaint [Doc. 1].

4. On March 4, 2016, Plaintiff filed his Opposition and Response to Defendants' Motion to Dismiss [Doc. 15.]. Briefing is now concluded on Defendants' Motion.

5. The Court has issued its Rule 16(a) Initial Order setting the Case Management Conference for March 18, 2016. [Doc. 13.] As an initial matter, as Plaintiff has not articulated any cause of action, Defendants are unable to ascertain the scope of discovery and defenses. Additionally, the parties have engaged in the Rule 26 conference and it appears that it may be difficult for an agreed proposed Case Management Order to be submitted to the Court.

6. Finally, should the Court grant the Motion to Dismiss, either in whole or in part, the relevant scope of discovery will likely be reduced, if not be foreclosed entirely, and Defendants will have expended significant resources producing and disclosing documents and information unnecessarily.

7. Defendant requests this Court enter an Order staying all discovery and all deadlines identified in the Court's Initial Rule 16(a) Scheduling Order [Doc. 13] until the Court rules on Defendant's Motion to Dismiss.

8. Counsel for Defendants has attempted to contact Plaintiff to determine whether he opposes this Motion, but has been unable to reach him.

WHEREFORE, THESE PREMISES CONSIDERED, Defendants respectfully request that the Court grant its Motion to Stay Discovery and for such further relief as this Court deems just and proper under the circumstances.

This the 9<sup>th</sup> day of March, 2016.

Respectfully submitted,

YUM! BRANDS, INC. AND  
TACO BELL OF AMERICA, LLC  
DEFENDANTS

BY: /s/ Robin Banck Taylor  
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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I, the undersigned counsel, certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system and served a true and correct copy of said document via U.S.

Certified Mail, return receipt requested, to the following:

Allen R. Blair  
623 Georgia Street  
Gulfport, Mississippi 39501  
(228) 313-4324

**PRO SE PLAINTIFF**

This, the 9<sup>th</sup> day of March, 2016.

/s/ Robin Banck Taylor

Robin Banck Taylor

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